

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00480-GCM**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

**OLDCASTLE LAWN & GARDEN,
INC.,
BONSAL AMERICAN, INC.,
OLDCASTLE BUILDING
PRODUCTS INC.,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff CSX Transportation's Motion to Dismiss Defendant Oldcastle Lawn & Garden's Counterclaim (ECF No. 31). Oldcastle Lawn & Garden subsequently filed an amended counterclaim with the consent of Plaintiff's counsel. *See* ECF No. 35 at 2; ECF No. 36. Because the amended counterclaim supersedes the filing that CSX Transportation sought to dismiss, CSX Transportation's motion is moot. *See Young v. City of Mount Rainier*, 238 F.3d 567, 573 (4th Cir. 2001) ("[A]n amended pleading supersedes the original pleading, rendering the original pleading of no effect.").

IT IS THEREFORE ORDERED that the Motion to Dismiss (ECF No. 31) is **DENIED AS MOOT**.

SO ORDERED.

Signed: February 18, 2022



Graham C. Mullen
United States District Judge

